

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

FLORIDA

RYAN BRESLOW, ET AL

***AMENDED EXHIBIT AND WITNESS LIST**

V.

MARK PHILLIPS, ET AL

23-20727-CIV-ALTMAN

PRESIDING JUDGE Lisette M. Reid					PLAINTIFF'S ATTORNEY B. Kussman, C. Berg, J. Katz, A. Iglesias	DEFENDANT'S ATTORNEY Jesse Franklin-Murdock & Nitoj P. Singh
TRIAL DATE (S) Evidentiary Hearing: 4/27/23					COURT REPORTER Glenda Powers	COURTROOM DEPUTY Elizabeth Rodriguez
PLTF. NO.	DEFT. NO.	DATE OFFERED	MARKED	ADMITTED		
X		4/27/23			Ryan Breslow sworn & testified	
X					Jon Gordon sworn & testified	
X					Reed Yurchak sworn & testified	
3			X	X	Webpage printout of DAO LawFirm ETH from Wayback Machine	
5			X	X	Etherscan.org account statement and transaction history of DAO Endowment Gnosis account as of 2/22/23	
6			X	X	Movement DAO Gitbook White Paper 2/2/2022	
12			X	X	MIP0004: Adopt Actions	
15			X	X	MIP0007: Snapshot Consent of the Members of the DAO	
16			X	X	MIP0011: Pay Deferred Legal Fees From 2022	
90			X	X	Copy of the MovementDAO's budget	
90A			X	X	Excerpt from budget	
91			X	X	Email from Mr. Phillips to Mr. Gordon regarding accounting expenses and budget	
92			X	X	Email discussion between Mr. Breslow, Mr. Gordon, Mr. Fine, and Mr. Phillips	
95			X	X	Declaration of Reed Yurchak re Plaintiffs' Reply in Support of Motion for Temporary Restraining Order and Preliminary Injunction	
*98			X		Etherscan.io transaction history for wallet: 0x2770736960c4739f96d3a033676ff0e34e71fc63, that voted on MIP0014 through MIP0021 w/ 101K Move voting units, but possesses zero ERC20	
107			X	X	Screenshot of text messages dated 7/2/22 between Fine and Phillips re Move token launch procedures	
108			X	X	Screenshot of text messages dated 8/24/22 between Fine and Phillips re Token launch in 3 months and timeline	
110			X	X	Snapshot of Gordon's email inbox & emails: Index showing emails from 9/22 and 10/22 from "Reed Yurchak" that are actually from m@daolawfirm. xyz, re requesting he sign Movement DAO documents	
115			X	X	Screenshot of text message dated 3/13/22 from Phillips to Gordon re Project & interest	
116			X	X	Screenshot of text message dated 8/9/22 from Phillips to Gordon re challenges and proposals	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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EXHIBIT AND WITNESS LIST - CONTINUATION

Breslow, et al vs. Phillips, et al					23-20727-CIV-ALTMAN/REID
120			X	X	Breslow's emails to Phillips dated January 6 & 29, expressing concern with actions taken in recent weeks and recitation of Breslow's offer to redeem investors' contributions.
135			X	X	Phillips text to Ryan July 30, 2022
154			X	X	DAO endowment Gnosis SAFE transaction record
165			X	X	SEALED
	314		X	X	MIP-0003: Bootstrap Product Development, dated August 22, 2022
	316		X	X	MIP-0003: Exhibit A - initialization budget, dated August 29, 2022
	322		X	X	MIP-0005 voting log, dated August 29, 2022
	367		X	X	SEALED
	369		X	X	Email dated December 29, 2021, from Marc Welton to Reed Yurchak; Mark Phillips re: Gitbook (ADMITTED FOR LIMITED PURPOSES)
	374		X	X	Discord Chat with Fuego and OBStaker dated February 2, 2022
	376		X	X	Discord Chat with FoxFlint; cRekto; AliG; mr_fine; Fuego; ChoosingtheGarden; mrtldgc; AmyMarcella and dated February 15, 2022
	380		X	X	Email dated July 11, 2022, from Benjamin Reed to Reed Yurchak re: Non profit (ADMITTED FOR LIMITED PURPOSES ONLY)
	381		X	X	Email dated July 14, 2022, from Marc Welton to Mark Phillips re: Template, Draft documents (ADMITTED FOR LIMITED PURPOSES ONLY)
	382		X	X	Email dated July 14, 2022, from Reed Yurchak to Mark Phillips re: Reminder: Invoice 1391 from Action Engine Inc. (ADMITTED FOR LIMITED PURPOSES ONLY)
	387		X	X	Email dated August 17, 2022, from Benjamin Reed to Reed Yurchak re: Change of Registered Agent - DAOLABS, LLC (ADMITTED FOR LIMITED PURPOSES ONLY)
	389		X	X	Text with Jon Gordon; Ryan Breslow and Mark Phillips dated August 27, 2022
	394		X	X	Email dated September 21, 2022, from Reed Yurchak to Benjamin Reed re: DAOLABS Inc EIN (ADMITTED FOR LIMITED PURPOSES ONLY)
	397		X	X	Email dated October 17, 2022, from Reed Yurchak to Benjamin Reed re: Review please: DAOLABS Technology License Agreements (ADMITTED FOR LIMITED PURPOSES ONLY)
	405		X	X	Email dated January 29, 2023, from Ryan Breslow to Reed Yurchak re: Some important notes
	426		X	X	Email dated August 9, 2022, from Benjamin Reed to Reed Yurchak; Mark Phillips re: [None] (FOR LIMITED PURPOSES ONLY)
	427		X	X	Email dated August 17, 2022, from Benjamin Reed to Reed Yurchak re: Change of Registered Agent (ADMITTED FOR LIMITED PURPOSES)
	430		X	X	Email dated September 27, 2022, from Mark Phillips to Reed Yurchak re: Jango Laboratory Inc Docs - 2 of 3 (no attachment) (ADMITTED FOR PURPOSES ONLY)
	443		X	X	Email dated December 26, 2021, from Marc Welton to j.ted-dao@protonmail.com re: Gitbook Legal Advice
	461		X	X	Declaration of John Gordon dated March 23, 2023
	465		X	X	Discord Chat with Fuego and tankbottoms dated N/A
	471		X	X	Discord Chat with notice to everyone on server
	478		X	X	Chat with Jon Gordon, Mark Phillips, David Steen, and others
X		5/25/23			Nicholas Bax sworn & testified

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EXHIBIT AND WITNESS LIST – CONTINUATION

Breslow, et al vs. Phillips, et al					CASE NO. 23-20727-CIV-ALTMAN/REID
	X				Mark Phillips sworn & testified
	X				Benjamin Reed sworn & testified
2		X	X		SEALED
8		X	X		MIP-0000: Adopt the Guiding Principles, Terms of Service, and Code of Conduct
27		X	X		MIP-0018: Proposal for Deferred 2022 Developer Payouts
51		X	X		Transfer of DAI cryptocurrency from DAO Developer Multisig account 0x2187e6a7c765777d50213346f0fe519fca706fbd to unknown cryptocurrency holding with blockchain address 0x607d56643673649bd25AA47325A7a6AFefc3B4a for \$500,000 on 2/2/23
93		X	X		Declaration of Mark Phillips
118		X	X		Defendants' Notice of Compliance and Response to Order to Show Cause
125		X	X		natasha pankina.eth etherscan (wallet voted on MIP 0000)
126		X	X		pillowfightclub.eth etherscan (wallet voted on MIP 0000)
127		X	X		tankbottoms.eth etherscan (wallet voted on MIP 0000)
128		X	X		obstacker.eth etherscan (wallet voted on MIP 0000)
129		X	X		Service-provider.eth etherscan (wallet voted on MIP 0000)
130		X	X		benreed.eth etherscan (wallet voted on MIP 0000)
131		X	X		partypants.eth etherscan (wallet voted on MIP 0000)
132		X	X		0x58Ba...1650 etherscan (wallet voted on MIP 0000)
133		X	X		Defendants cash accounting 2023.04.08
134		X	X		Defendants cash accounting 2023.04.12
149		X	X		Text message between Jon Gordon and Mark Phillips
150		X	X		Etherscan transaction records of certain transactions listed on Ex. 90
155		X	X		MIP-0000 Snapshot Voting Record
160		X	X		Defendants cash accounting 2023.04.13
168		X	X		Copy of move xyz website
169		X	X		Etherscan.io transaction history for cookieslayer.eth
172		X	X		5/16/2023 Declaration of Mark Phillips
224		X	X		Screenshot Project #515
301		X	X		MIP-000: Adopt the Guiding Principles Terms of Service, and Code of Conduct dated 8/9/22
302		X	X		MIP-000: Exhibit A – Certificate of Adoption of the Organization Documents dated 8/23/22

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EXHIBIT AND WITNESS LIST - CONTINUATION

Breslow, et al					vs.	Phillips, et al	CASE NO. 23-20727-CIV-ALTMAN/REID
	303		X	X			MIP-0000: Exhibit B - Guiding Principles, dated August 23, 2022
	304		X	X			MIP-0000: Exhibit C- Terms of Service, dated August 21, 2022
	305		X	X			MIP-0000: Exhibit D - Code of Conduct, dated August 21, 2022
	306		X	X			MIP-0000: Exhibit E - Definitions, dated August 21, 2022
	333		X	X			MIP-0008 voting log, dated September 19, 2022
	347		X	X			MIP-0016: Proposal to the Update to the DAO's Snapshot Strategy, dated January 31, 2023
	358		X	X			MIP-0021 voting log, dated February 9, 2023
	362		X	X			MIP-0023 voting log, dated March 21, 2023
	371		X	X			Email dated January 12, 2022, from Reed Yurchak to Ryan Mallory; mmfredyh2@gmail.com.re: N/A
	375		X	X			Movement DAO (branch deployed) dated February 2, 2022
	388		X	X			Text with Alex Fine and Mark Phillips dated August 24, 2022
	395		X	X			Email dated October 1, 2022, from Reed Yurchak to Mark Phillips re: Movement GitBook (ADMITTED FOR LIMITED PURPOSES)
	396		X	X			The Movement Endowment dated October 2, 2022
	399		X	X			Email dated December 8, 2022, from Mark Phillips to Jon Gordon re: A.F. talking points
	417		X				Movement DAO presentation - The platform enabling sustainably funded & governed movements
	418		X	X			Email dated January 10, 2022, from Reed Yurchak to Benjamin Reed re: Custodial Account
	419		X	X			Email dated January 10, 2022, from Reed Yurchak to Benjamin Reed re: Client Information Sheet (Crypto Custodial Account)
	420		X	X			Email dated January 11, 2022, from Reed Yurchak to Benjamin Reed re: Engagement Letter, Custodial Crypto Account (fully executed)
	421		X	X			Discord Chat with thereyanking; myco MOVE; OBStacker; rice\$cracker and mr_fine dated March 24, 2022
	423		X	X			Discord Chat with Felixander; rice\$cracker; _anna; Fuego and thereyanking dated April 7, 2022
	449		X	X			Peace DAO Movement Juicebox
	466		X	X			Email dated October 26, 2022, from Ryan Breslow to Jon Gordon; Mark Phillips re: FYI
	472		X	X			Discord Chat with Alex Fine, Benjamin Reed, David Steen, Jon Gordon, and others
	481		X	X			Text Message chain with Jon Gordon
	482		X				New York Times Article "Bolt Built \$11 Billion Payment Business on Inflated Metrics and Eager Investors."
	X	5/30/23					Mark Phillips - Continuation
9			X	X			MIP 0001: Adopt the Governance and Multisig Process
11			X	X			MIP 0003: Bootstrap Product Development

[illegible]